

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Amendment of Parts 2 and 90 of the
Commission's Rules to provide for an
Emergency Vehicle Signaling Service

RM-10836

To: Media Bureau

**MOTION TO SUSPEND OR,
IN THE ALTERNATIVE,
TO DISMISS WITHOUT PREJUDICE**

Alert Devices International Corporation ("ADiCorp") hereby moves to suspend the above-captioned proceeding or, in the alternative, to dismiss its petition for rulemaking without prejudice, in the expectation that it will re-file an expanded version in the near future.

INTRODUCTION

On November 19, 2003, ADiCorp filed a Petition for Rulemaking ("Petition") that asked the Commission to authorize the Emergency Vehicle Signaling Service ("EVSS") in the United States. EVSS will alert motorists via their AM and FM car radios of a public safety vehicle in an emergency response situation nearby.

Opponents of EVSS, chiefly representatives of the radio broadcast industry, have raised important technical questions. These include:

1. whether EVSS can perform as intended -- *i.e.*, override broadcast signals in car radios -- at sufficient range to give motorists useful warning of the approach of an emergency vehicle; and
2. whether EVSS will cause interference of significant duration to substantial numbers of unintended recipients.

DISCUSSION

ADiCorp is confident the answers to the above questions will be favorable to EVSS. In view of the extensive range of technical concerns expressed by the National Association of Broadcasters (NAB), Leventhal Senter & Lerman PLLC, and the Society of Broadcast Engineers, Inc., ADiCorp feels the only fair and thorough way to address the issues is through more extensive testing. The test results will then be forwarded to the Commission. As stated from the beginning, ADiCorp will take whatever steps are necessary to bring this much-needed technology through the approval process while addressing the concerns of both proponents and opponents.

As presently planned, we expect the research to address the following issues:

- determination of whether EVSS can exploit the electromagnetic properties of the emergency vehicle to reduce unintended reception by making the signal directional, so that most of the energy radiates from the front of the vehicle;
- measurement of the effective range of the EVSS transmitter using a variety of FM and AM car radios and a range of incident powers from AM and FM broadcast stations;
- measurement of the range of interference from the EVSS transmitter into a variety of FM and AM car, portable, and home radio receivers, again over a range of incident powers from AM and FM broadcast stations;
- an estimate of multipath effects on FM reception taking into account the low height of the EVSS FM transmitting antenna;
- measurement of the effects of EVSS on in-band-on-channel (IBOC) digital broadcasting; and
- impact of EVSS transmissions on Emergency Alert System (EAS) broadcasts under a range of conditions.

The research will be conducted in Canada, where EVSS is currently authorized. Studies relating to IBOC and EAS may require simulated signals.

NO U.S. SALES OF EVSS TO DATE

Many public safety agencies have sent letters to ADiCorp asking to be first with the technology and trying to order units. ADiCorp responds that the equipment is not available for sale or use in the United States, pending FCC approval.

All three principals of ADiCorp are former or current law enforcement officers. All have repeatedly seen the need for this technology first hand, from the front seat of the patrol car. And all have spent the better part of their working lives enforcing laws, not publicly violating them. To be sure, ADiCorp has actively promoted the concept of EVSS, both on its website and at professional meetings and trade shows attended by emergency response planners and personnel. And the response has been overwhelmingly positive.

ADiCorp solicits public safety agencies' support for help in the approval process. ADiCorp believes its promotional efforts may have led to the mistaken conclusion that it is presently selling EVSS units in the United States. ADiCorp has not sold and is not selling any EVSS units in the United States, and has placed an appropriate disclaimer on its website to make that clear. Nor has ADiCorp sold any EVSS units to the many federal agencies that have requested them. As ADiCorp's president, Tom Macone, has stated "sometimes what you have the right to do is not necessarily the right thing to do." Representatives of ADiCorp have recently met with representatives of NAB to assure NAB that ADiCorp has not and will not make any EVSS sales in the United States until after FCC approvals have been obtained.

CONCLUSION

The establishment of an Emergency Vehicle Signaling Service will ultimately reduce high-speed accidents by giving motorists additional warning of an oncoming emergency vehicle.

The public needs the increased protection EVSS can offer. But we acknowledge the Commission and the broadcast industry need assurances that EVSS will not unduly burden radio listeners. We seek to resolve these issues by obtaining data on EVSS taken under real-world conditions (at a location where EVSS operation is lawful). These data will help the Commission to evaluate the benefits of EVSS, and to assess whether any interference it may cause is sufficiently rare and brief to be acceptable in light of those benefits.

In order to let the research go forward, it is in the public interest for the Commission to suspend this proceeding or, alternatively, to terminate the proceeding without prejudice, in the expectation that ADiCorp will soon re-file an expanded version of its Petition.

Respectfully submitted,

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